

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 271

By: Taylor

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6 AS INTRODUCED

7 An Act relating to school discipline; directing
8 teachers and other school staff to have authority for
9 control and discipline of students; providing actions
10 teachers and other instructional staff may take to
11 manage student behavior; directing teachers and other
12 instructional staff to perform certain actions;
13 allowing a teacher to send a student to the
14 principal's office and recommend certain consequence;
15 allowing a teacher to remove a student from a
16 classroom for certain behavior; providing for
17 placement of a student who has been removed from a
18 classroom; directing school districts to establish
19 certain placement review committee; providing for
20 membership; providing duties; providing for certain
21 reports; directing the State Board of Education to
22 review school district compliance; providing for
23 promulgation of rules; requiring professional
24 development for certain teachers; providing for
25 codification; providing an effective date; and
26 declaring an emergency.

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29 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

30 SECTION 1. NEW LAW A new section of law to be codified
31 in the Oklahoma Statutes as Section 24-100.9 of Title 70, unless
32 there is created a duplication in numbering, reads as follows:

33 A. Subject to the policies adopted by a school district board
34 of education, each teacher or other member of staff of any school
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1 district in this state shall have authority for the control and
2 discipline of students as may be assigned to him or her by the
3 principal or his or her designee and shall keep good order in the
4 classroom and in other places in which he or she is assigned to be
5 in charge of students.

6 B. Within the framework of the school district board of
7 education's policy for the discipline of children and standards of
8 conduct adopted pursuant to Section 24-100.4 of Title 70 of the
9 Oklahoma Statutes, teachers and other instructional staff shall have
10 the authority to undertake any of the following actions in managing
11 student behavior and ensuring the safety of all students in their
12 classes and school and their opportunity to learn in an orderly and
13 disciplined classroom:

14 1. Establish classroom rules of conduct;

15 2. Establish and implement consequences, designed to change
16 behavior, for infractions of classroom rules;

17 3. Have disobedient, disrespectful, violent, abusive,
18 uncontrollable or disruptive students removed from the classroom for
19 behavior management intervention;

20 4. Have violent, abusive, uncontrollable or disruptive students
21 directed for information or assistance from appropriate school
22 personnel;

1 5. Assist in enforcing school rules on school property, during
2 school-sponsored transportation and during school-sponsored
3 activities;

4 6. Request and receive information as to the disposition of any
5 referrals to the administration for violation of classroom or school
6 rules;

7 7. Request and receive immediate assistance in classroom
8 management if a student becomes uncontrollable or in case of an
9 emergency;

10 8. Request and receive training and other assistance to improve
11 skills in classroom management, violence prevention, conflict
12 resolution and other related areas;

13 9. Notify law enforcement of any verbal threat or act of
14 threatening behavior pursuant to the provisions of Section 24-100.8
15 of Title 70 of the Oklahoma Statutes and any documented and verified
16 acts of bullying which may constitute criminal activity or
17 reasonably have the potential to endanger school safety pursuant to
18 the provisions of Section 24-100.4 of Title 70 of the Oklahoma
19 Statutes;

20 10. Use necessary and reasonable force to protect himself or
21 herself or others from injury as provided for in Section 6-149.7 of
22 Title 70 of the Oklahoma Statutes; and

23 11. Use corporal punishment, as defined by and in accordance
24 with Section 13-116 of Title 70 of the Oklahoma Statutes, according
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1 to school district board of education policy and, at a minimum, the
2 following procedures if a teacher determines corporal punishment is
3 necessary:

- 4 a. the use of corporal punishment shall be approved in
5 principle by the principal before it is used, but
6 approval is not necessary for each specific instance
7 in which it is used. The principal shall prepare
8 guidelines for administering such punishment that
9 identify the types of punishable offenses, the
10 conditions under which the punishment shall be
11 administered and the specific personnel on the school
12 staff authorized to administer the punishment,
- 13 b. a teacher or principal may administer corporal
14 punishment only in the presence of another adult who
15 is informed beforehand while in the student's presence
16 of the reason for the punishment, and
- 17 c. a teacher or principal who has administered punishment
18 shall, upon request, provide the student's parent or
19 legal guardian with a written explanation of the
20 reason for the punishment and the name of the other
21 adult who was present.

22 C. Teachers and other instructional personnel shall:

- 23 1. Set and enforce reasonable classroom rules that treat all
24 students equitably;

1 2. Seek professional development to improve classroom
2 management skills when data show that they are not effective in
3 handling minor classroom disruptions;

4 3. Maintain an orderly and disciplined classroom with a
5 positive and effective learning environment that maximizes learning
6 and minimizes disruption; and

7 4. Work with parents or legal guardians and other school
8 personnel to solve discipline problems in classrooms.

9 D. A teacher may send a student to the principal's office to
10 maintain effective discipline in the classroom and may recommend an
11 appropriate consequence consistent with the school district board of
12 education's policy for the discipline of children and standards of
13 conduct adopted pursuant to Section 24-100.4 of Title 70 of the
14 Oklahoma Statutes. The principal shall respond by employing the
15 teacher's recommended consequence or a more serious disciplinary
16 action if the student's history of disruptive behavior warrants it.
17 If the principal determines that a lesser disciplinary action is
18 appropriate, the principal shall consult with the teacher prior to
19 taking disciplinary action.

20 E. A teacher may remove from class a student whose behavior the
21 teacher determines interferes with the teacher's ability to
22 communicate effectively with the students in the class or with the
23 ability of the student's classmates to learn. Each school district
24 board of education, school district superintendent and school

1 principal shall support the authority of teachers to remove
2 disobedient, violent, abusive, uncontrollable or disruptive students
3 from the classroom.

4 F. If a teacher removes a student from class pursuant to
5 subsection E of this section, the principal may place the student in
6 another appropriate classroom, in in-school suspension or in an
7 alternative education program as provided for in Section 1210.568 of
8 Title 70 of the Oklahoma Statutes. The principal may recommend the
9 student for out-of-school suspension or expulsion, as appropriate.
10 The student may be prohibited from attending or participating in
11 school-sponsored or school-related activities. The principal may
12 not return the student to the teacher's class without the teacher's
13 consent unless the placement review committee established pursuant
14 to subsection G of this section determines that such placement is
15 the best or only available alternative.

16 G. 1. Each school district shall establish a placement review
17 committee to determine the placement of a student when a teacher
18 withholds consent to the return of a student to the teacher's
19 classroom. A school principal shall notify each teacher in the
20 school about the availability, the procedures and the criteria for
21 the placement review committee as outlined in this subsection. The
22 placement review committee shall include, at a minimum, the
23 following:

24 a. one teacher selected by the school's faculty,

- 1 b. one teacher selected by the teacher who has removed
2 the student, and
3 c. one member from the school's staff who is selected by
4 the principal.

5 2. The teacher who withheld consent for a removed student to
6 return to the teacher's classroom shall not serve on the placement
7 review committee. The teacher and the placement review committee
8 shall render decisions within five (5) days after the removal of the
9 student from the classroom. If the placement review committee's
10 decision is contrary to the decision of the teacher to withhold
11 consent to the return of the removed student to the teacher's
12 classroom, the teacher may appeal the committee's decision to the
13 school district superintendent.

14 3. The principal shall report on a quarterly basis to the
15 school district superintendent and the school district board of
16 education each incidence of a teacher's withholding consent for a
17 removed student to return to the teacher's classroom and the
18 disposition of the incident. The superintendent shall annually
19 report this data to the State Department of Education.

20 4. The State Board of Education shall annually review each
21 school district's compliance with this subsection and success in
22 achieving orderly classrooms. The Board shall promulgate rules for
23 monitoring compliance with this subsection and is authorized to
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1 report a school as deficient on the accreditation report for
2 noncompliance with the provisions of this subsection.

3 H. Any teacher who removes twenty-five percent (25%) of his or
4 her total class enrollment shall be required to complete
5 professional development to improve classroom management skills.

6 SECTION 2. This act shall become effective July 1, 2021.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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